

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

3rd AVE SW LLC and JHA FAMILY LLC,)
)
Plaintiffs,)
)
v.)
)
RYAN JIMENEZ, ODIN PROPERTY TAX)
ADVOCATES LLC, a Colorado limited liability)
company, and KING COUNTY, a political)
subdivision,)
)
Defendants.)

No. 24-cv-00552-JCC

DEFENDANT RYAN JIMENEZ’S
MOTION FOR SUMMARY
JUDGMENT

Noted for June 27, 2025

I. STATEMENT OF FACTS

A. Allegations in Plaintiffs’ Complaint.

Plaintiff’s¹ complaint alleges that Defendant Ryan Jimenez, an Assessor with the King County Assessor’s Office, violated his rights under the United States Constitution and Washington law when Mr. Jimenez allegedly tried to compel Plaintiff to hire his private

¹ It appears to the undersigned that the real party in interest is Siddharth Jha, apparently an owner, or the owner, of the two LLCs in the caption. However, that may not be accurate. Regardless, in order to avoid confusion, this motion refers to the “Plaintiff” in the singular, which is meant to include all plaintiffs.

1 business to advocate for lower property taxes and, after Plaintiff refused the shakedown, Mr.
2 Jimenez massively raised the values of three of his properties to punish him. *Dkt. 1-1*. Mr.
3 Jimenez denies all of these allegations by his sworn declaration in support of this motion
4 (*Jimenez Dec. at p. 3*) and now brings this motion for summary judgment..

5 B. Plaintiff failed to make Initial Disclosures.

6 Plaintiff has never made any Initial Disclosures in this case, despite them being due
7 over six months ago. *Bundy Dec. at p. 1*. The history on this issue is as follows. On
8 September 20, 2024, the Court issued its Minute Order Setting Initial Case Management
9 Dates. *Dkt. 14*. Under that Order, Initial Disclosures were due by November 8, 2024. *Id.*
10 The Defendants each served Plaintiff with their Initial Disclosures on November 8th.

11 *Bundy Dec. at p. 1*. The Plaintiff did not serve any Initial Disclosures. *Id.*

12 The Court's Order also ordered the parties to meet and confer for their Joint Status
13 Report. *Dkt. 14*. That report was due on November 15, 2025. *Id.* The parties met and
14 conferred and Defendant King County prepared a draft report that was sent to Plaintiff's
15 counsel on October 28, 2024, with a request for his input. *Bundy Dec. at Exhibit A at p. 3*.
16 Plaintiff's counsel did not respond to that email or two subsequent emails requesting his
17 input. *Id. at p. 2*. Finally, King County's paralegal emailed Plaintiff's counsel again on
18 November 15, 2024, the day the report was due, again requesting his input. *Id. at p. 1*. The
19 first paragraph of the draft report emailed to counsel stated as follows:

20 As directed by the Court's September 20, 2024, Minute Order
21 Setting Initial Case Management Dates (*Dkt. 14*), the parties met
22 and conferred telephonically on October 11, 2024. Thereafter,
23 counsel for the Plaintiff has ignored repeated emails from King
County regarding his input on this joint status report. He also
failed to serve any Initial Disclosures. Therefore, all Defendants
are forced to file this Joint Status Report without Plaintiff's

1 input.

2 *Bundy Dec. at p. 2.*

3 Plaintiff's counsel responded a little over three hours later, writing as
4 follows:

5 Good afternoon, I am currently in trial so we haven't been able
6 to get initial disclosures together to you. Can we adjust the
7 initial disclosure deadline to 11/22? If you can make that
change you can sign for me. Thank you.

8 *Bundy Dec. at Exhibit A at p. 1.*

9 All Defendants agreed to Plaintiff's counsel proposal to extend the date for his
10 Initial Disclosures and the Joint Status Report was filed with the Court with that change the
11 same day. *Dkt. 19.*

12 Now, over six months later, Plaintiff has still not made any Initial Disclosures. *Bundy*
13 *Dec. at p. 2.*

14 Plaintiff's complaint makes extraordinarily serious allegations against Mr. Jimenez
15 – that he illegally shook down Plaintiff to try to drive business to himself, and intentionally
16 kept their property valuations massively too high when Plaintiff refused to pay the bribes.
17 *Dkt. 1-1.* Yet Plaintiff has (1) has made no Initial Disclosures as ordered by the Court and
18 required by court rule and has never produced or identified evidence or a single witness to
19 support his allegations; and (2) appears to have never produced any such evidence (or even
20 such allegations) to the Assessor's Office in his many tax appeals. *Willett Dec. at p. 20.*

21 Therefore, in defending this case, and filing this motion for summary judgment, Mr.
22 Jimenez and his attorney has no idea what evidence (statements, recordings, writings, etc.)
23

1 and witnesses, if any, Plaintiff intends to use against him, and they have had no opportunity
2 to challenge or test that evidence, if there is any. *Bundy Dec. at p. 3.*

3 C. Defendant Ryan Jimenez fully denies Plaintiff's allegations.

4 Mr. Jimenez is employed as a Commercial Appraiser II in the King County
5 Assessor's Office. *Jimenez Dec. at p. 1.* He has held that position since 2021. *Id.* He has
6 worked for the Assessor's Office since 2016, beginning as a Residential Appraiser I. *Id.*

7 Plaintiff's Complaint in this case arises out of Mr. Jimenez's valuation of three of
8 his properties for property tax purposes. *Id.* In his declaration, Mr. Jimenez uses the last
9 four numbers of each of these properties' parcel numbers when discussing them. *Id. at pp.*
10 *1-2.*

11 The first property Plaintiff complains about is 9058. *Id. at p. 2.* Plaintiff's
12 Complaint claims (among other things) that the parcel is "unbuildable because it does not
13 have access to sewer" *Id.* Mr. Jimenez had multiple communications with Plaintiff's
14 representative Siddharth Jha about that issue. *Id.* While it is accurate that the parcel does
15 not have a sewer line in place nearby, it is not accurate that one could not potentially be
16 hooked up. *Id.* In his discussions with Mr. Jha, he claimed that the cost of hooking up to a
17 sewer line would be too expensive to make development feasible. *Id.* Mr. Jimenez
18 followed his office's normal practice and asked Mr. Jha to provide documentation from a
19 third-party expert to estimate the cost of hooking up to a sewer line. *Id.* Mr. Jimenez made
20 two additional requests by email in late 2022. *Id.* Mr. Jha never produced any such
21 documentation. *Id.* Nevertheless, after further research on his own, and without the
22 requested documentation, Mr. Jimenez lowered the valuation of the parcel to reflect his
23 best estimated adjustment for the cost of hooking up to an available sewer line. *Id.*

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1 The other parcels that Plaintiff complains about are 9089 and 9036 (“the Burien
2 properties”). *Id.* Plaintiff claims that “[t]he Burien properties don’t have access and are
3 essentially landlocked” and that they cannot be developed for any use. *Id.* These claims
4 are not accurate. *Id.* First, it is Mr. Jimenez’s understanding that no properties in
5 Washington state are permitted to be “landlocked” – some form of access must always be
6 permitted. *Id.* And, in fact, there was a road to the property. *Id.* While the road was
7 narrower than it may have needed to have been under the zoning designation, CC2, Mr.
8 Jimenez understood that the City of Burien (the government that would be responsible for
9 permitting any development) would probably have some leeway in what could be done
10 with the two parcels and that acquiring an easement for access is an issue between property
11 owners. *Id.* In the end, Mr. Jimenez reduced the valuations of these two parcels to take
12 into account the lack of main street frontage in addition to wetlands on the parcels. *Id.*

13 Plaintiff’s Complaint also claims that Mr. Jimenez was not legally authorized to do
14 appraisals in Washington. *Id. at p. 3; Dkt. 1-1 at p. 5.* That is false. *Jimenez Dec. at p. 3.*
15 Mr. Jimenez has been accredited by the Washington State Department of Revenue since
16 2017 to perform duties by the assessor. *Id.* This is the only requirement by Washington
17 State to complete assessment appraisals. *Id.* An appraisal license is not a requirement and
18 is typically acquired as supplemental certifications for the work completed by the
19 assessor’s office. *Id.* Mr. Jimenez’s accreditation has been consistently valid during his
20 employment with the Assessor’s Office with no lapses. *Id.*

21 Regarding Mr. Jimenez’s former side business, Odin LLC, Plaintiff’s Complaint
22 makes numerous false claims. *Id.* First, he claims that it violated the law because Mr.
23 Jimenez did not receive approval from the County to do outside work. *Id.* Exhibit A to

1 Mr. Jimenez’s declaration are true and correct copies of a document that shows that claim
2 to be false – he did request and receive such approval, in writing. *Id.*

3 Second, Plaintiff’s case is premised on the allegations that Mr. Jimenez illegally
4 tried to force him to pay Odin as a “shakedown” and other such language. *Id.* And that
5 when Plaintiff supposedly refused to hire Odin, Mr. Jimenez punished him by increasing
6 his properties’ valuations. *Id.* These allegations are false. *Id.* Mr. Jimenez never said any
7 such thing. *Id.* These parcels’ valuations were the result of his expertise, experience and
8 exercising his best judgment as an appraiser. *Id.*

9 Finally, Mr. Jimenez incorporated Odin LLC as a tax consulting company in 2020
10 in Colorado because he got his clients from there. *Id.* He has done about 10 projects with
11 Odin, all of these with Colorado clients. *Id.* Because Mr. Jimenez was working in
12 Washington on Colorado business, it was his understanding that he was required to also
13 incorporate in Washington for tax purposes. *Id.* However, Mr. Jimenez never did any
14 projects with Odin in Washington, and he never intended to do any such work in
15 Washington. *Id.* The LLC is now defunct, having ended in Colorado and Washington in
16 January of 2022. *Id. at p. 3 and Exhibit B.*

17 D. The Assessor’s Office explains the history of Plaintiff’s appeals on the relevant
18 parcels; explains the administrative and legal remedies available to Plaintiff;
19 shows that Plaintiff never fully availed himself of the due process available to
him in any of his many appeals; and shows that Plaintiff apparently never raised
his allegations against Mr. Jimenez in any of those appeals.

20 Mary-Louis “Lou” Willett has been the Assistant Chief Appraiser in the King
21 County Assessor’s Office since 2002. *Willett Dec. at p. 1.*² She has worked as both a
22

23 ² The Willett declaration will be filed with King County’s Motion for Summary Judgment.
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1 residential and commercial appraiser for the King County Department of Assessments since
 2 1989. *Id.* Ms. Willett has personal knowledge about the history surrounding the three
 3 involved parcels and the processes available for taxpayers to challenge assessments. *Id. at*
 4 *p. 3.* She has provided a declaration detailing (1) the processes that occurred with the three
 5 involved properties; (2) the administrative and judicial remedies that were available to
 6 Plaintiff; (3) that he never availed himself of these processes in any of his appeals on the
 7 involved properties; and (4) that Plaintiff appears to never have raised his complaints about
 8 Mr. Jimenez in any of his appeals. *Willett Dec. throughout.*

9 The most prevalent remedies pursued by taxpayers include: (1) filing Petitions for
 10 Property Tax Refund with the Assessor; (2) filing a Real Property Petition with the Board
 11 of Equalization; (3) filing a Request for Direct Appeal to the Board of Tax Appeals; and/or
 12 filing an Informal or Formal Property Tax Appeal with the Board of Tax Appeals; and (4)
 13 pursuing a judicial remedy by first paying property taxes under protest and next filing a
 14 Tax Refund lawsuit in superior court.³ *Id. at p. 3.* In addition to these remedies, if an
 15 appeal filing deadline is missed, specified reasons may allow for a late filing under RCW
 16 84.40.038 or WAC 458-14-127 by filing a Request to Reconvene or a Waiver of Filing
 17 Deadline. *Id.* Taxpayers may also seek to have their property values lowered by bringing
 18 “manifest error” claims to the attention of the Assessor’s office for review without filing a
 19 claim. *Id.*

20 While Plaintiff challenged the assessed taxes for various years for 302304-9089 and
 21 302304-9036, and SeaTac parcel number 032204-9058, Plaintiff did not pursue all

22
 23 ³ Obviously, taxpayers who file in superior court and lose can then also pursue the various
 available appellate remedies to the Court of Appeals and the Supreme Court, etc..

1 administrative and judicial remedies available to him to contest the value of these parcels.
2 *Id. at p. 19.* And when he filed appeals with the Board of Tax Appeals, Plaintiff
3 continually requested to have the administrative process stayed, thereby never allowing the
4 appeal process to exhaust. *Id.*

5 Further, Plaintiff's incorrectly claims that "Jimenez also deprived Plaintiffs of
6 substantive and procedural due process when he prevented them from being able to file a
7 manifest error petition to correct the tax rolls unless Plaintiffs first 'hired' Jimenez's private
8 company." *Id.; Dkt. 1-1 at p. 35.* In reality, instructions for filing Petitions for Property
9 Tax Refunds are available to the public on the King County Assessor's website. *Willett*
10 *Dec. at p. 19.* These submittals should be filed by either mailing to the King County
11 Department of Assessments with Attention to the Appeals Division or emailing to
12 assessor.info@kingcounty.gov. *Id.* Once received, the petitions for commercially zoned
13 property are directed to the Commercial Business Division Director and the Administrative
14 Assistant to be logged and assigned. *Id.* Nothing prevented Plaintiff from submitting such
15 petitions. *Id.*

16 Furthermore, as indicated above, on numerous occasions, while Plaintiff did avail
17 himself of property tax appeals process on these three parcels, but he did not properly
18 prosecute his cases. *Id. at p. 20.* For instance, in informal property tax appeals 99674 and
19 99675, where evidence submission deadlines were issued, he did not submit any market
20 evidence, including comparable sales, in support of his position. *Id.*

21 When the Plaintiff's Petitions for Property Tax Refunds were filed in April 2024,
22 they were reviewed and processed through to completion for all three parcels. *Id.* The
23 Revised Code of Washington and the Washington Administrative Code pertaining to

1 manifest error corrections are very strict. *Id.* Specifically, WAC 458-14-005(14)(j) does
 2 not allow for the exercise of appraisal judgment, therefore most of the manifest error claims
 3 made in the taxpayer's petition for property tax refund filings were precluded from being
 4 addressed through those filings. *Id.* Instead, it is the administrative appeals process that is
 5 the appropriate vehicle for addressing issues impacting value that require the exercise of
 6 appraisal judgment. *Id.* When the pending administrative appeal hearings are allowed to
 7 progress, the Assessor will have the opportunity to exercise appraisal judgment and address
 8 any and all issues impacting value. *Id.*

9 Finally, had Plaintiff made any such allegations known to the Assessor about Mr.
 10 Jimenez as are being made in this case, they would have been taken extremely seriously
 11 and would have been fully investigated by the Assessor's office. *Id.* But until the Plaintiff
 12 filed this lawsuit, Ms. Willett – who handled all the matters after Mr. Jimenez was recused
 13 – was never informed of any such allegations. *Id.* Therefore, it appears that Plaintiff never
 14 raised such allegations to the Assessor's Office.

15 II. ISSUES PRESENTED

16 A. Parties are required to make Initial Disclosures and, if they fail to do so, are
 17 normally not allowed to put on evidence or call witnesses unless they show
 18 that their failure to disclose was inadvertent or did not prejudice the other
 19 parties. Plaintiff made no Initial Disclosures, this was not inadvertent, and if
he is now allowed to put on such undisclosed evidence and witnesses, would
prejudice Mr. Jimenez. Should Plaintiff be barred from putting on any
evidence or witnesses in response to this motion?

20 B. Claims for declaratory judgments on tax disputes under Washington's
 21 Uniform Declaratory Judgment Act are not available where the taxpayer is
 22 challenging the tax assessed; they are only available where they challenge
 23 underlying law. Here, Plaintiff's UDJA claim does not challenge the
statutes involved; he challenges only the assessed values. And his UDJA

claim is not proper against a mere employee, Mr. Jimenez, as opposed to the County. Should Plaintiff's UDJA claim against Mr. Jimenez be dismissed?

C. "Manifest error" petitions under RCW 84.69.020 may be brought against the County, not individual employees. Plaintiff has improperly asserted a "manifest error" claim against Mr. Jimenez. Should that cause of action be dismissed as to Mr. Jimenez?

D. A procedural due process claim under the 14th Amendment requires that a Plaintiff plead and prove that he availed himself of the process available to remedy his claimed harm and a substantive due process claim requires that there be no remedies available under state law. Plaintiff never availed himself of all the administrative and judicial process available to him, his Complaint makes no allegations that he did so, and there were multiple state law remedies available. Should Plaintiff's due process claim against Mr. Jimenez be dismissed?

E. A Plaintiff to an Equal Protection claim as pled here must be a member of protected class or be in a "class of one" and be intentionally discriminated against because one or both of those statuses. There is no evidence that Mr. Jimenez discriminated against Plaintiff. Should Plaintiff's Equal Protection claim be dismissed?

F. There is no cause of action for "civil extortion" under Washington law. Plaintiff has improperly pled a cause of action for "civil extortion." Should Plaintiff's civil extortion claim against Mr. Jimenez be dismissed?

III. EVIDENCE RELIED UPON

Declaration of Ryan Jimenez and Exhibits A and B thereto;

Declaration of Lou Willett and Exhibit A-R thereto; and

Declaration of Kristofer Bundy and Exhibit A thereto.

IV. ARGUMENT

A. Parties are required to make Initial Disclosures and, if they do not, are normally not allowed to put on the undisclosed evidence or call witnesses unless they show that their failure to disclose was inadvertent or did not prejudice the other parties. Plaintiff made no Initial Disclosures, this was not inadvertent and if he is now allowed to put on such undisclosed evidence and witnesses, it would prejudice Mr. Jimenez. Therefore, Plaintiff should not be permitted to put on any evidence or call any witnesses.

With some inapplicable exceptions, Fed. R. Civ. P. 26(a) requires parties to make Initial Disclosures of evidence, witnesses, and damages, among other things. Once it is determined, as is the case here, that a party has failed to provide information required by Rule 26(a)(2)(C) or 26(e), then “the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially justified or harmless.” Fed. R. Civ. P. 37(c)(1). Rule 37(c) “gives teeth” to the requirements of Rule 26(a) and Rule 26(e) so courts are given a particularly wide latitude to issue sanctions under Rule 37(c)(1). *Yeti by Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1106 (9th Cir. 2001) (holding district court did not abuse its discretion in excluding testimony of defendant's only damages expert as a sanction).

The burden is on the non-producing party to prove substantial justification or that its failure to produce was harmless.” *R.D. v. Shohola, Inc.*, Civil No. 3:16-CV-01056 (M.D. Pa. November 20, 2019) quoting *U.S. Fire Ins. Co. v. Omnova Solutions, Inc.*, No. 10-1085, 2012 WL 5288783, at *2 (W.D. Pa. Oct. 23, 2012).

As set forth above, Plaintiff did not serve any Initial Disclosures by the Court-ordered deadline of November 8, 2024. *Bundy Dec. at p. 1*. Then, when he learned that the Defendants intended to point out this failure in the Joint Status Report to the Court, he asked for and received an extension from the Defendants to do so, and signed that Report with a promise to serve disclosures by November 22, 2024. *Id.; Dkt. 19*. Now, six months later, Plaintiff has not served any Initial Disclosures. *Id. at p. 2*.

In order to use any evidence in response to this motion, it is Plaintiff’s burden to prove “substantial justification or that its failure to produce was harmless.” First, in light of the facts surrounding the Joint Status Report, there is no substantial justification. Plaintiff

1 first violated the Court's order by not disclosing by November 8th. *Id. at p. 1*. Then, he
 2 asked for an extension and received it to make the disclosures by November 22nd and then
 3 broke that promise. *Id. at p. 2*.

4 Second, Plaintiff cannot show that the failure to disclose is harmless to Mr.
 5 Jimenez. *Id. at p. 3*. Mr. Jimenez and his counsel have no idea what evidence or witnesses
 6 Plaintiff intends to use to defeat this motion and prevail at trial, among other things. *Id.* If
 7 he does try to produce evidence and witnesses in response to this motion, such sandbagging
 8 would violate the rules, the spirit and purpose of the rules, and Mr. Jimenez's right to
 9 notice and due process. *Id.*

10 For these reasons, Plaintiff should not be permitted to put on any evidence or
 11 witnesses in response to this motion.

12 B. Claims for declaratory judgments on tax disputes under Washington's
 13 Uniform Declaratory Judgment Act are not available where the taxpayer is
 14 challenging the tax assessed; they are only available where they challenge
 15 the facial validity of the applicable statutes. Here, Plaintiff's UDJA claim
 16 addresses only the taxes owed, not any of the applicable statutes. And his
 17 UDJA claim is not proper against a mere employee, Mr. Jimenez, as
 18 opposed to the County. For these reasons, Plaintiff's UDJA claim against
 19 Mr. Jimenez fails.

20 Plaintiff's first cause of action is for declaratory judgment under Washington
 21 UDJA, seeking a declaratory judgment that the taxes assessed were unlawful. *See Dkt. 1-1*
 22 *at p. 33*.

23 In *Sifferman v. Chelan Cnty.*, 496 P.3d 329, 188 Wn. App. 1 (2021), the Court of
 Appeals ruled on a case similar to this one where the taxpayer tried to challenge the tax
 owed under the UDJA rather than challenging "the facial validity" of the applicable statute.

1 *See Dkt. 1-1 at p. 33.* The Court held that this type of claim was not allowed under the
 2 UDJA:

3 In addition, the UDJA is not an appropriate remedy for the
 4 taxpayers' claims because the taxpayers do not challenge the facial
 5 validity of the REET. "Declaratory judgments are proper 'to
 6 determine the facial validity of an enactment, as distinguished from
 7 its application or administration.' " *Hood Canal Sand & Gravel,*
 8 *LLC v. Goldmark*, 195 Wash. App. 284, 305, 381 P.3d 95 (2016)
 9 (internal quotation marks omitted) (quoting *Bainbridge Citizens*
 10 *United v. Dep't of Nat. Res.*, 147 Wash. App. 365, 374, 198 P.3d
 11 1033 (2008)). The taxpayers do not ask that we declare that
 imposition of a REET on transfers of improvements on leased land
 is an invalid tax that can never be properly imposed. *Instead, they*
ask for a refund of the taxes paid and ask that we determine that
 the REET should not apply to transfers of subleases on Native
 American land. *Therefore, declaratory judgment based solely on*
the application of the REET under the circumstances would be
improper. . . .

496 P.3d at 399-40 (emphasis added). The same is true here.

Also, even if the Plaintiff was challenging the applicable statutes, his claim would
 need to be against King County and the state, not against Mr. Jimenez, a low-level, non-
 policymaking employee.

For these reasons, and for the reasons set forth in section V.A., above, Plaintiff's
 UDJA claim against Mr. Jimenez fails.

C. "Manifest error" petitions under RCW 84.69.020 may be brought against the
County, not individual employees. Plaintiff has improperly asserted a
"manifest error" claim against Mr. Jimenez. That cause of action should be
dismissed as to Mr. Jimenez.

Plaintiff's second cause of action is for "manifest error" pursuant to RCW
 84.69.202. *Dkt. 1-1 at p. 34.* That statute allows the taxpayer to bring a claim for a refund
 against the County for a variety of specific reasons. RCW 84.69.020. The statute does not

1 create a cause of action against a line-level assessor. *Id.* Defendant King County should be
 2 the one defending this claim, not Mr. Jimenez.

3 D. A procedural due process claim under the 14th Amendment requires that a
 4 Plaintiff plead and prove that he availed himself of the process available to
 5 him to remedy his claimed harm and a substantive due process claim
 6 requires that there not be remedies available under state law. Plaintiff never
 7 availed himself of all the administrative and judicial process available to
 8 him, his Complaint makes no allegations that he did so, and there were
 9 multiple state law remedies available. For these reasons, his due process
 10 claim against Mr. Jimenez fails.

11 Plaintiff's third cause of action is under the 14th Amendment for violations of his
 12 procedural and substantive due process rights. *Dkt. 1-1 at pp. 33-34.* The claim fails for the
 13 following reasons.

14 First, procedural due process generally requires that a hearing before an impartial
 15 decision maker be provided at a meaningful time, and in a meaningful manner, prior to a
 16 governmental decision which deprives individuals of a liberty or property interest. *Mathews*
 17 *v. Eldridge*, 424 U.S. 319, 332-33 (1976). For example, "where a property owner is given
 18 written notice to abate a hazard on his or her property and has been given an opportunity to
 19 appear before the proper municipal body considering condemnation of the property, no due
 20 process violation occurs when the municipality abates the nuisance pursuant to the
 21 condemnation notice." *Samuels v. Meriwether*, 94 F.3d 1163, 1166-67 (8th Cir. 1996);
 22 *Hedrick v. Pfeiffer*, 10 F. Supp. 2d 1106, 1111 (D. Neb. 1998) (no procedural due process
 23 violation where property owner received notice and attended city council meeting at which
 he was given an opportunity to show cause why the condition of his property was not a
 nuisance, and later received notice of the city resolution declaring property a nuisance and
 setting deadlines for abatement of that nuisance), *aff'd*, 175 F.3d 1024 (8th Cir. 1999).

Here, Plaintiff complains about the valuations of his three properties by Mr. Jimenez, yet he did not avail himself of all of the administrative and judicial process available to him which are set up to address valuation challenges. *Willett Dec. at pp. 3, 19-20*. In fact, Plaintiff *was* provided with substantial administrative and judicial due process, he just elected not to avail himself of all of the process available. *Id.*

Second, substantive due process claims fail where state law provides an adequate post-deprivation remedy. *Hudson v. Palmer*, 468 U.S. 517, 533 (1984) (no due process claim against a state employee for an unauthorized intentional or negligent deprivation of property where state law provides an adequate post-deprivation remedy) *see also Henry v. Hulett*, 969 F.3d 769 (7th Cir. 2020) (overruling *Hudson* “in a severely limited way” on the very narrow issue of bodily privacy). Again, there were multiple state law remedies available to Plaintiff that he did not avail himself of. *Willett Dec. at pp. 3, 19-20*.

For these reasons, and because Plaintiff should not be allowed to put forth any evidence or witnesses, Plaintiff’s due process claims fail.

E. A plaintiff to an Equal Protection claim as pled here must be a member of protected class or be in a “class of one” and be intentionally discriminated against because of one or both of those statuses. There is no evidence that Mr. Jimenez discriminated against Plaintiff. Plaintiff’s Equal Protection claim should be dismissed.

Plaintiff’s fourth cause of action alleges that Mr. Jimenez violated his rights under the Equal Protection clause of the 14th Amendment based on two theories. *Dkt. 1-1 at pp. 36-37*. First, that he was discriminated against because he is a member of a protected class. *Id. at p. 36*. Second, that he was discriminated as a member of a “class of one.” *Id. at p. 37*. The Equal Protection claim fails for the following reasons.

1 First, “[t]he Equal Protection Clause of the Fourteenth Amendment commands that
2 no State ‘shall deny to any person within its jurisdiction the equal protection of the laws,’
3 which is essentially a direction that all persons similarly situated should be treated alike.”
4 *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439, 105 S.Ct. 3249, 87 L.Ed.2d
5 313 (1985). Therefore, to prevail on a claim for violation of the Equal Protection Clause, a
6 plaintiff must show that the defendant acted with an intent or purpose to discriminate
7 against him based upon his membership in a protected class. *Barren v. Harrington*, 152
8 F.3d 1193, 1194 (9th Cir.1998). “Intentional discrimination means that a defendant acted
9 at least in part because of a plaintiff’s protected status.” *Maynard v. City of San Jose*, 37
10 F.3d 1396, 1404 (9th Cir.1994) (emphasis in original) (citation omitted). To avoid
11 summary judgment, a plaintiff “must produce evidence sufficient to permit a reasonable
12 trier of fact to find by a preponderance of the evidence that the decision was racially
13 motivated or motivated by animus to another protected class.” *Serrano v. Francis*, 345
14 F.3d 1071, 1082 (9th Cir. 2003) quoting *Bingham v. City of Manhattan Beach*, 329 F.3d
15 723, 732 (9th Cir.2003) (citations and alterations omitted).

16 While Plaintiff’s complaint makes the conclusory allegation that “Plaintiffs are a
17 member of a protected class” (*Dkt. 1-1 at p. 36*), he makes no allegations about which
18 class he is in or how that class possibly motivated Mr. Jimenez to discriminate against
19 them. Instead, the allegations support only a theory that Mr. Jimenez was motivated by
20 greed, not by discrimination. Plaintiff’s Equal Protection claim based on a protected class
21 theory fails.

22 Second, Plaintiff’s “class of one” theory also fails. When an equal protection claim
23

1 is premised on unique treatment rather than on a classification, the Supreme Court has
 2 described it as a “class of one” claim. *Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564,
 3 120 S.Ct. 1073, 145 L.Ed.2d 1060 (2000) (per curiam). In order to prove a violation of
 4 equal protection in a class of one case, the plaintiff must establish that the government
 5 intentionally, and without rational basis, treated the plaintiff differently from others
 6 similarly situated. *Id.*; accord *Squaw Valley Dev. Co. v. Goldberg*, 375 F.3d 936, 944 (9th
 7 Cir.2004), overruled on other grounds, *Action Apt. Ass’n v. Santa Monica Rent Control Bd.*,
 8 509 F.3d 1020, 1025 (9th Cir. 2007). A class of one plaintiff must show that the
 9 discriminatory treatment “was intentionally directed just at him, as opposed . . . to being an
 10 accident or a random act.” *Jackson v. Burke*, 256 F.3d 93, 96 (2d Cir.2001).

11 Plaintiff makes no allegations, and has no facts to support, that Mr. Jimenez gave
 12 him “unique treatment” and intentionally discriminate against him. Instead, as stated
 13 above, Plaintiff’s core theory is that Mr. Jimenez tried to shake him down. While this is
 14 not true, even if it were, the motivations would be greed, not discrimination.

15 For these reasons, and because Plaintiff should not be allowed to admit any
 16 evidence in response to this motion, Plaintiff’s Equal Protection claim fails.

17 F. There is no cause of action for “civil extortion” under Washington law.
 18 Plaintiff has improperly pled a cause of action for “civil extortion.”
Plaintiff’s civil extortion claim should be dismissed.

19 Plaintiff’s fifth cause of action is for “civil extortion.” *Dkt. 1-1 at pp. 37-38*. The
 20 complaint cites three criminal statutes, asserts that Mr. Jimenez violated them, and from this
 21 asserts a claim for “civil extortion.” *Id.* None of the criminal statutes cited provide for a
 22 civil cause of action for someone violating them, and no Washington case law does so.

1 Plaintiff's fifth cause of action should be dismissed because there is no such cause of action
2 in Washington.

3 CONCLUSION

4 Plaintiff cannot meet his burden of showing that his failure to make Initial
5 Disclosures was "substantially justified *or* harmless" to Mr. Jimenez; it was not justified at
6 all and it is extremely prejudicial. Therefore, he should not be permitted to use any
7 evidence to respond to this motion. And, for the reasons set forth above, Plaintiff's claims
8 against Mr. Jimenez fail regardless. It is respectfully requested that Mr. Jimenez's motion
9 for summary judgment be granted.

10
11 I certify that this memorandum contains 5135 words, in compliance with the Local
12 Civil Rules.

13
14 DATED this 20th day of May, 2025

15
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DEFENDANT RYAN JIMENEZ'S
MOTION FOR SUMMARY JUDGMENT - 18
No. 24-cv-00552-JCC

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